

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 2/28/2013

Action Requested By:  
Community  
Development

Agenda Item Type  
Resolution

Subject Matter:

Agreement between Family Services Center, Inc. and City of Huntsville for the use of Neighborhood Stabilization Program Funds.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify contract 09-1133 with Family Services Inc., to modify contract completion terms.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

The completion date of the NSP program has been suspended and funds may continue to be spent until all funds have been utilized on affordable housing and expanding home ownership.

Associated Cost:

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 2/18/13

ROUTING SLIP  
CONTRACTS AND AGREEMENTS

Originating Department: Community Development

Council Meeting Date: 2/28/2013

Department Contact: Ken Benion

Phone # 256-427-5427

Contract or Agreement: Agreement

Document Name: Agreement between Family Services Center, Inc. and City of Huntsville for the use of ...

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:




Account Number:

**Procurement Agreements**

<u>Select...</u>	<u>Select...</u>
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**Grant-Funded Agreements**

<b><u>Federal HUD</u></b>	<b>Grant Name:</b> <u>HOME Investment Partnership Grant</u>
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Department	Signature	Date
1) Originating		<u>2/18/13</u>
2) Legal		<u>2/20/13</u>
3) Finance		<u>2/21/13</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

**RESOLUTION NO. 13-\_\_\_\_\_**

**WHEREAS** THE CITY of Huntsville, Alabama applied for and received U.S. Department of Housing and Urban Development (HUD) Neighborhood Stabilization Program (NSP) grant funds through the State of Alabama, Department of Economic and Community Affairs (ADECA) under sections 2301-2304, Title III of Division B of the Housing and Economic Recovery Act of 2008 (Public Law 11-289) (HERA); and

**WHEREAS** the grant application, as incorporated into Grant Agreement No. NSP-GV-08-023 acknowledges that the CITY of Huntsville, Alabama intends to collaborate with certain local agencies in order to accomplish the objectives set forth in the grant application and agreement; and

**WHEREAS** the City of Huntsville entered into an Agreement with Family Services Center, Inc. to provide certain services in accordance with Grant Agreement No. NSP-GV-08-023; and

**WHEREAS** the City of Huntsville and Family Services Center, Inc. have subsequently entered into Modification No. 1 and Modification No. 2 of the Agreement; and

**WHEREAS** the CITY has demonstrated the necessity to amend the Time of Performance as described in the Agreement to reflect the extension of the Neighborhood Stabilization Program.

**NOW, THEREFORE, BE IT RESOLVED** by the CITY Council of the CITY of Huntsville, Alabama, that the Mayor of the CITY of Huntsville is hereby authorized, requested and directed to enter into an agreement with the **Family Services Center, Inc.**, said contract being substantially similar in words and figures to that document identified as "Modification No. 3 to the Agreement Between the City of Huntsville. Alabama and Family Services Center, Inc., as adopted by Resolution No. 09-1133 on November 19th, 2009 for Neighborhood Stabilization Program funds., consisting of two (2) pages with the signature of the Council President or President Pro tem, and the date February 28, 2013 on the margin of the first page, a copy of said document being permanently kept on file in the Office of the CITY Clerk of the CITY of Huntsville.

**ADOPTED** this the 28th day of February, 2013.

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President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 28<sup>th</sup> day of February, 2013.

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Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA )

COUNTY OF MADISON )

**Modification No. 3 to the Agreement Between the City of Huntsville, Alabama and Family Services Center, Inc., dated November 19, 2009, as adopted by the City Council pursuant to Resolution No. 09-1133 and modified on September 2, 2010 pursuant to Resolution No. 10-701 and further modified on January 13, 2011 pursuant to Resolution No. 11-17**

**CONTRACT MODIFICATION NO. 3**

THIS MODIFICATION No. 3 IS MADE TO THE AGREEMENT entitled "Agreement between Family Services Center, Inc. and City of Huntsville for the use of Neighborhood Stabilization Program Funds" as referenced above and is entered into on this the 28th day of February, 2013, by and between the CITY OF HUNTSVILLE, Alabama (City) and FAMILY SERVICES CENTER INC., an Alabama non-profit organization (Agency).

**WITNESSETH**

**WHEREAS**, the City and the Agency previously entered into an agreement for the City to provide Neighborhood Stabilization Program (NSP) grant funds to the Agency for use according to NSP guidelines; and

**WHEREAS**, the said agreement was adopted and approved by the Huntsville City Council on November 11, 2009, pursuant to Resolution No. 09-1133; and

**WHEREAS**, the parties entered into Modification No. 1 to the said agreement on September 9, 2010, and the said Modification No. 1 was adopted and approved by the Huntsville City Council pursuant to Resolution No. 10-701; and

**WHEREAS**, the parties entered into Modification No. 2 to the said agreement on January 13, 2011, and the said Modification No. 2 was adopted and approved by the Huntsville City Council pursuant to Resolution No. 11-17; and

**WHEREAS** the CITY has demonstrated the necessity to amend the Time of Performance as described in the agreement to reflect the extension of the Neighborhood Stabilization Program.

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**President of the City Council of the  
City of Huntsville, Alabama  
Date: February 28, 2013**

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows.

1. Section 1, Paragraph 4 of the agreement, as modified, shall be deleted and replaced with the following:

**"TIME OF PERFORMANCE** The work of the AGENCY shall be undertaken beginning on, November 20, 2009. The AGENCY shall assure that all NSP funds made available pursuant to this Agreement shall be obligated (under contract) by September 10, 2010. All such funds shall be expended in accordance with closeout guidance from HUD. All rehabilitation shall be completed in accordance with closeout guidance from HUD. Within one (1) month of the execution of this agreement, the AGENCY shall provide to the CITY a schedule for the CITY's approval detailing the anticipated acquisition and rehabilitation of properties. Such schedule shall be updated as necessary and submitted to the CITY for approval on a monthly basis."

2. All other terms and conditions of the original agreement, as previously modified, remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have entered into this agreement, consisting of this page and one (1) preceding pages, on February 28th, 2013.

**THE CITY OF HUNTSVILLE, ALABAMA**

**ATTESTED:**

By: \_\_\_\_\_  
Chuck Hagood, Clerk Treasurer

By: \_\_\_\_\_  
Mayor Tommy Battle

Date: \_\_\_\_\_

**Family Services Center an Alabama  
Non-Profit Corporation**

**ATTESTED:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: Chair

Date: \_\_\_\_\_